

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nobutaka NAKASHIMA et al.
Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM
BELONGING TO THE GENUS RHODOCCUS
Int'l. Appl. No.: PCT/JP2004/05585
Int'l. Filing Date: 4/19/2004
Examiner: Unassigned
Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

RELEVANCE OF EACH DOCUMENT

The documents being cited in the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding international application. A copy of the International Search Report is attached setting forth the portion of the documents considered relevant by the examiner. A copy of the cited references listed in the Search Report is not being submitted herewith.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: 20 October 2005

By S. A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

10/353979

Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: October 20, 2005 <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
				Filing Date	October 20, 2005
				First Named Inventor	Nobutaka NAKASHIMA
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	081356-0253

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1		WO 2004/016792 A1		National Institute of Advanced Industrial Science & Technology	2/26/2004		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A2	D.J. HOLMES et al., "Autogenous transcriptional activation of a thiostrepton-induced gene in <i>Streptomyces lividans</i> ", EMBO J., 1993, Vol. 12, No. 8, pp. 3183-3191.	
	A3	M.S. FENTON et al., "Function of the bacterium TATAAT-10 element as single-stranded DNA during RNA polymerase isomerization," Proc. Natl. Acad. Sci. USA, 2001, Vol. 98, No. 16, pp. 9020-9025.	
	A4	J. DESOMER et al., "The plasmid-encoded chloramphenicol-resistance protein of <i>Rhodococcus fascians</i> is homologous to the transmembrane tetracycline efflux proteins", Molecular Microbiology, 1992, Vol. 6, No. 16, pp. 2377-2385.	
	A5	R. DeMot. et al., "Structural analysis of the 6 kb cryptic plasmid pFAJ2600 from <i>Rhodococcus erythropolis</i> NI86/21 and construction of <i>Escherichia coli</i> - <i>Rhodococcus</i> shuttle vectors," Microbiology 1997, vol. 143, pp. 3137-1347.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.